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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/716,402

11/20/2003

Luigi Satragno

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EXAMINER

LAMPRECHT, JOEL

ART UNIT

PAPER NUMBER

3737

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,402

Applicant(s)

SATRAGNO ET AL.

Examiner

Joel M. Lamprecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/20/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 8-9, 10, 16, 20-22, 24 and 27, 28-37 are objected to because of the following informalities: Indefinite articles, and lack of limitation in the claim language.

Regarding Claims 8-9, 16, 20-22, and 27, the phrase "is associated" renders the claim indefinite because it is unclear in what is meant by associated, and taken in the broadest of definitions, fails to further limit the invention at all, as any device could be "associated" with some stated application should the user choose to do so.

Regarding Claim 10, the phrase "whose height compensates" renders the claim indefinite as it is unclear just what is meant by "compensates" and therefore taken in the broadest possible interpretation, such verbiage fails to further limit the claim.

Regarding Claims 24, 27 and 34-37, "substantially" renders the claim indefinite as it is unclear as to what is meant by "substantially" and therefore taken in the broadest possible interpretation, such verbiage fails to further limit the claim.

Regarding Claim 20 specifically the phrase "extends through an angle of 360 degrees" is confusing to the Examiner. As written the Claim seems to state that any of the parts of the must extend through an angle of 360 degrees, yet within the images and specification the Examiner has not found where the Claimed invention performs such a function. The specification during the portions with two tables seems to suggest that each table extends 180 degrees, and based on the design of the single-table embodiment, it does not appear that the table or any other portion mentioned within the Claim moves "through an angle of 360 degrees". Clarification is required, but the

Examiner has interpreted the Claim in the broadest sense from the current wording as “the sector-shaped guide and/or the upper support plate of the MRI apparatus and/or the upper support plate of the extension either individually or as a coupling within the disclosed system, can rotate a full 360 degrees”.

Regarding Claims 28-33, the claim that something “extends through an angle of less than 180 degrees, especially of less than 90 degrees” will always be true in some fashion of any device when it is not “extending through an angle” or “rotating”. Claiming a function of a device should be properly imposed by the incorporation of a means plus function language, otherwise, such negative limitations within a system claim fail to further limit the Claim, and offer no patentable weight. As Claim 28 is currently stated, the broadest reasonable interpretation of the Claim renders the distinction that the Applicants’ invention consists of a guide with two opposing sections geometrically, that are rotatable less than 180 degrees, and therefore could be incapable of rotation. Simply picking any two points on any “guide” would read on such a Claim as written.

Appropriate correction and further definition of what is meant by the above statements is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5-19, 21-24, 27, and 34-37 rejected under 35 U.S.C. 102(b) as being anticipated by Carrozzi et al (EP 1 004 269 A1). The disclosure of Carrozzi et al, specifically in regards to the figures, discloses a majority of the same invention as in Applicants' application.

Regarding Claim 1, Carrozzi et al disclose in Figure 1, Element 1 an MRI apparatus, Element 201 a cavity, wherein the table has a base block and supporting structure, is slidable in at least 1 direction, and has means for removable connection between the table and MRI apparatus.

Regarding Claims 5-20, and 21-24, Carrozzi et al disclose a base block with wheels (Fig 2-3), a platforms with base plate and upper MRI supporting plate (Fig 1-4), a table guide interposed between the base plate and the upper plate of the platform (Figure 2-3), elements for rolling (element 4), and also a supporting plate which is slidable along a base plate, having an extension shaped as a circle coaxial to the sector shaped sliding guide (Fig 2-4). Additionally, Carrozzi et al disclose a support extension (support of element 1 from the figures), a magnet structure (element 1) having space (between 1 and 201) for accomidating a body part, and coaxial sector-shaped guides, with perpendicular axes instersecting the magnet structure. Carrozzi et al. also disclose a support structure that has the capacity to extend through an angle of less than 360 degrees or less than 180 degrees, sides of a magnet structure having an outer edge, arched to the table sliding guide. Within the interpretation of the Claims as written Carrozzi et al also disclose sector-shaped guide and/or the upper support plate of the

MRI apparatus and/or the upper support plate of the extension either individually or as a coupling within the disclosed system, can rotate a full 360 degrees, as when the system is not coupled, the rollers on the invention and pressure make it easily possible to rotate the guide, or supports a full 360 degrees.

Regarding Claim 27, Carrozzi et al disclose a table coupled to the MRI apparatus at one end side and extending radially with respect to the sector-shaped sliding guide (Figures 1-4).

Regarding Claims 34-37, Carrozzi et al disclose a system with an MRI apparatus, a table coupled to the apparatus, a guide for relative slidable displacement of the table and the apparatus, which has the shape of a circle, and at least one platform rotates with an axis of rotation coaxial to the axis of the sector-shaped guide for the table which has means for rolling (Figure 1-6):

Claim Rejections - 35 USC § 103

3. Claims 2-4, 20, 25-26, and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrozzi et al (EP 1 004 269 A1) in view of design choice. Regarding Claims 2-4 Carrozzi et al disclose all the limitations of the claims as listed but does not disclose using two tables simultaneously, rather Carrozzi et al disclose having one table. One having sufficient skill in the art would have expected the invention to perform equally well dependent on patient based on the design choice, as the tables are used as a support structure for the patient, and if the patient was too tall for just one table,

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another could be added. Therefore, it would have been prima facie obvious to modify Carrozzi et al to obtain the invention as specified in claims 2-4 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Carrozzi et al.

Regarding Claims 25-26, Carrozzi et al disclose a table guide for slidable displacement of the table fitted onto an intermediate part, removably coupled to the MRI apparatus by sliding guides (see Figure 4, 5, 6, 7, and specifically 13-14) and a cavity for accommodating the magnet structure, but does not disclose two or more tables being simultaneously coupled to the magnetic resonance imaging apparatus, rather Carrozzi et al discloses one table being removably coupled at a plurality of locales around the MRI apparatus. One having sufficient skill in the art would have expected the invention to perform equally well based on the design choice, as the tables are used in the exact same manner and are iteratively added if more support is needed for positioning. Therefore, it would have been prima facie obvious to modify Carrozzi et al to obtain the invention as specified in claims 2-4 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Carrozzi et al.

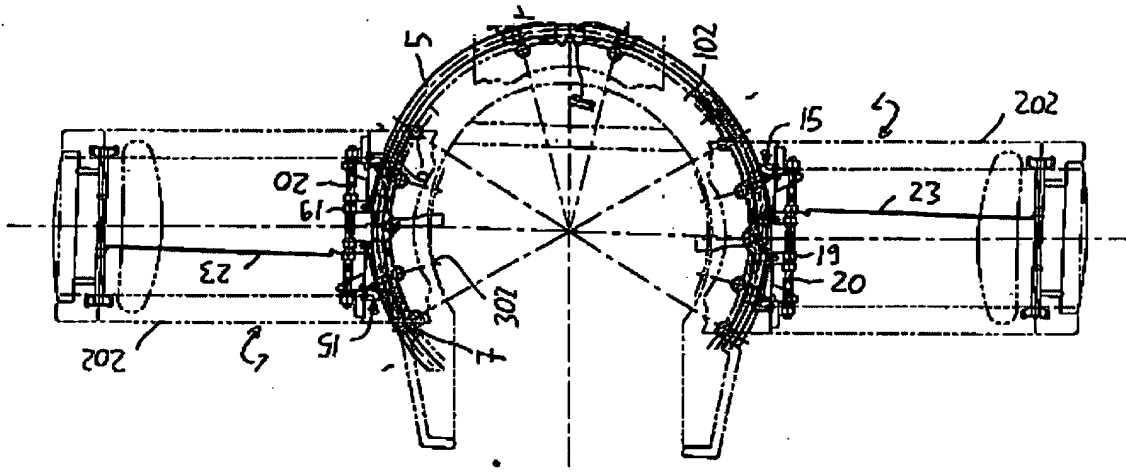
Regarding Claim 28, Carrozzi et al disclose all the limitations of the Claims except for providing two patient tables, each at an opposing side of a guide (diametrically). Taking into account the functionality of Claim 28, The Examiner takes Official Notice that the Applicant is claiming identical functionality to a majority of single-table MRI platforms, which have the capacity to rotate in a full 360 degrees about a

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circular axis. Therefore it would have been obvious to one having normal skill in the art to have provided similar functionality to single-table MRI platforms though the use of the "connectable table" approach disclosed by Carrozzi, due to the fact that having a full 360 degrees of freedom on the axis of imaging is ideal within the art and used to gather the most accurate images of a patient.

Claims 29-33, Carrozzi et al discloses one guide section, but does not disclose two separate guide sections that extend through an angle of less than 180 degrees or less than 90 degrees and are coaxial to each other. Still Carrozzi et al discloses a guide section which is fully capable of placement of diametrically opposite tables by coupling them to the central portion (element 102). Using Figure 6 as a guide, it would have been obvious to one having normal skill in the art at the time of the invention to have placed tables on the opposite side of the central portion if the patient being imaged required extra support, considering there are already locking pins (element 6) on both sides of the central portion (102).

4. A crude bitmap representation is attached below for illustration.



Conclusion

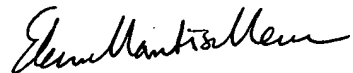
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joel M. Lamprecht whose telephone number is (571) 272-3250. The examiner can normally be reached on Monday-Friday 7:30AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571)272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML
11/8/06


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